

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE:

APPLICATION FOR AN ORDER PURSUANT  
TO 28 U.S.C. § 1782 TO TAKE DISCOVERY  
FROM STONEX SECURITIES INC.  
IN AID OF A FOREIGN PROCEEDING

Case No.:

**DECLARATION OF LEON WAGNER IN SUPPORT OF  
APPLICATION FOR AN EXPEDITED ORDER PURSUANT TO 28 U.S.C. § 1782**

I, Leon Wagner, hereby declare as follows:

1. I am a United States citizen. I reside alternatively between New York, Miami and Puerto Rico.
2. This declaration is submitted in support of my Application for an Expedited Order Pursuant to 28 U.S.C § 1782.
3. I initiated civil a proceeding in Tel Aviv, Israel, captioned *Leon Wagner v. Augwind Energy Tech Storage Ltd., et. al*, Civil Action (Tel-Aviv) 57188-02-236 (the “Foreign Proceeding”). (See Exhibit 1 to the Declaration of Shai Avnieli.)
4. The Foreign Proceeding arises from fraudulent misrepresentations that were made to me in connection with my purchases in 2021 and 2022 of a total of 333,601 shares (“Shares”) of Augwind Energy Tech Storage Ltd. (“Augwind”) from Or Yogev (“Yogev”) for approximately \$5,000,000 (the “Transactions”).
5. I purchased the Shares through my banking institution, UBS Financial Services Inc. (“UBS”).
6. Specifically, on December 21, 2021, I purchased through UBS 280,000 shares of Augwind for the gross amount of \$4,476,071.60.

7. On February 3, 2022, I purchased through UBS 8,601 shares of Augwind for the gross amount of \$85,531.78.

8. On February 7, 2022, I purchased through UBS 40,000 shares of Augwind for the gross amount of \$358,652.00.

9. On February 7, 2022, I purchased through UBS 5,000 shares of Augwind for the gross amount of \$44,696.50.

10. I purchased the Shares based on fraudulent misrepresentations regarding Augwind and the efficiency of its AirBattery product. Yogev and other defendants in the Foreign Proceeding presented the AirBattery as attaining an efficiency rate exceeding 81% which is very high for the industry. Prior to the Transactions, however, Augwind and Yogev concealed from me that the AirBattery's actual efficiency rate is around only 30%.

11. During the second half of 2022, following the revelation that Augwind's flagship product, AirBattery, was significantly less efficient than previously presented, Augwind's share value plummeted until it ultimately lost more than 90% of its value.

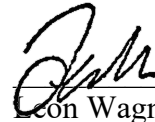
12. Accordingly, I commenced the Foreign Proceeding against, among other parties, Augwind and Yogev, asserting claims for fraud, negligent misrepresentation, and breach of a statutory duty, and seeking rescission of the Transactions or monetary damages.

13. After learning that StoneX Securities Inc. ("StoneX") served as the seller's broker in connection with those Transactions which are dated February 3, 2022 and February 7, 2022, I have been unable to acquire any information from StoneX as to the identity of the counterparty to those trades and the seller of the Shares, notwithstanding substantial outreach from my attorneys.

14. Accordingly, I respectfully request that the Court grant my Application on an expedited basis and grant leave to serve a subpoena for documents on StoneX.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 20, 2024.

A handwritten signature in black ink, appearing to read 'L. Wagner', is written over a horizontal line.

Leon Wagner  
*Applicant*